



EFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shimpei MIURA et al.

Group Art Unit: 1745

Application No.: 10/676,040

Examiner: J. MAPLES

Filed: October 2, 2003

Docket No.: 116792

For: FUEL CELL SYSTEM

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the September 7, 2006 Restriction and Election of Species Requirement, Applicants provisionally elect Group I, claims 1–18, directed to a first fuel cell system, and Species I, directed to odorant removal portion in the fuel off gas passage, with traverse. At least claims 1–4, 6, 18–20, and 22–25 read on the elected species. At least claims 1–3 and 18 are generic to all species.

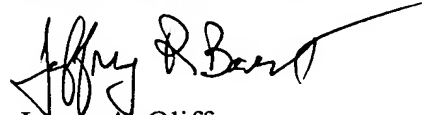
It is also respectfully submitted that the subject matter of all claims and species is sufficiently related that a thorough search for the subject matter of any one Group of claims or species would encompass a search for the subject matter of the remaining claims or species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should

apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Applicants further understand, however, that upon search, examination and allowance of the elected species, search and examination will continue as to the non-elected species within the scope of the generic claims

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Jeffrey R. Bousquet

Registration No. 57,771

JAO:JRB/hs

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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